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OFFICIAL RECORDS  
BUTTE COUNTY-CALIF  
RECORDED BY  
ATTORNEY

OCT 9 1 01 PM 1973

LOUISE KLEINHOFF  
COUNTY RECORDER

FILED  
OCT 5 1973

CLARA A. NELSON, County Clerk  
By N. LINDQUIST Deputy

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6 Attorneys for Plaintiffs

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF BUTTE  
9

10 PARROTT INVESTMENT COMPANY  
11 and M. & T. INCORPORATED,  
12 Plaintiffs,

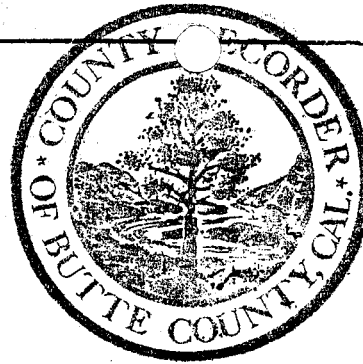
No. 51081

13 v.

14 LUIGI CINQUINI, J. L. SWAIN,  
15 VERN SWAIN, GEORGE PAVEIK,  
16 HELEN PIERCE, WILBER S. GANOW,  
17 and DOES I to X, inclusive,  
18 Defendants.

JUDGMENT AND DECREE

18 Plaintiff PARROTT INVESTMENT COMPANY, a Corporation  
19 duly organized and existing under the laws of the State of  
20 California, and Plaintiff M. & T. INCORPORATED, a Corporation  
21 duly organized under the laws of the State of Nevada and duly  
22 authorized to do business in the State of California, have brought  
23 the action herein seeking a declaration that Defendants, and each  
24 of them, have no right to any of the waters flowing in and through  
25 Edgar Slough or in the underflow thereof and asking that during  
26 the pendency of the action Defendants, and each of them, be  
27 restrained from diverting water in any quantity from Edgar Slough  
28 which is situated in Butte County adjacent to or in the vicinity  
29 of real property owned by Plaintiffs and that thereafter  
30 Defendants be so restrained permanently. As a result thereof,



1 and following negotiations between Plaintiffs and Defendants, or  
2 their successors in interest and each of them, certain written  
3 stipulations and disclaimers have been entered into between  
4 Plaintiff PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED  
5 and the following Defendants:

6 (a) HARRY CINQUINI, the duly and regularly appointed  
7 and acting Executor of the ESTATE OF LUIGI CINQUINI, deceased,  
8 who has been substituted as a Defendant herein in the place and  
9 stead of Defendant LUIGI CINQUINI;

10 (b) J. L. SWAIN and VERA SWAIN, sued herein as J. L.  
11 SWAIN and VERN SWAIN;

12 (c) JAMES ESTES, sued herein as DOE I;

13 (d) GEORGE PAVCIK, sued herein as GEORGE PAVEIK;

14 (e) HELEN PIERCE; and,

15 (f) WILBER S. GANOW.

16 Reference is made to such STIPULATIONS AND DISCLAIMERS  
17 as filed herein for further particulars.

18 Pursuant to such STIPULATIONS AND DISCLAIMERS, IT IS  
19 HEREBY ORDERED, ADJUDGED AND DECREED as follows:

20 1. That as to Plaintiffs PARROTT INVESTMENT COMPANY  
21 and M. & T. INCORPORATED, and Defendant HARRY CINQUINI as Execu-  
22 tor of the ESTATE OF LUIGI CINQUINI, deceased ("CINQUINI"):

23 (a) CINQUINI may continue to divert water from  
24 Edgar Slough, also known as Comanche Creek, at a point of  
25 diversion located in the NW 1/4 of the SW 1/4 of Section 3, T21N,  
26 R1E, MDB&M, for use in the irrigation of a parcel of land  
27 comprising 50 acres located on the north bank of Edgar Slough,  
28 more particularly described in Exhibit A.

29 (b) Plaintiffs PARROTT INVESTMENT COMPANY and  
30 M. & T. INCORPORATED shall recognize the right of CINQUINI to



1 divert water from Edgar Slough for irrigation of such parcel of  
2 land in an amount not to exceed 800 gallons per minute as a  
3 maximum diversion of water to be made at any one time, or such  
4 additional amount of water as may be reasonably required for  
5 the sprinkler irrigation of 20 acres of orchard and the flood  
6 irrigation of 30 acres of alfalfa within such parcel.

7 (c) CINQUINI shall not use water in excess of the  
8 amounts set forth in Paragraph (b) above and shall not divert  
9 water from Edgar Slough for other than irrigation use or for  
10 use on any lands other than those described in Exhibit A, and  
11 shall not use the water so diverted in a wasteful and unreason-  
12 able manner.

13 (d) No attempt shall be made by Plaintiffs PARROTT  
14 INVESTMENT COMPANY and M. & T. INCORPORATED or either of them,  
15 to interfere, either physically or legally, with the diversion  
16 of CINQUINI in the manner described in Paragraph (b) above, upon  
17 the property described in Exhibit A.

18 (e) Plaintiffs PARROTT INVESTMENT COMPANY and  
19 M. & T. INCORPORATED, or either of them, shall be privileged to  
20 enter upon the property described in Exhibit A, after notice to  
21 the occupant thereof, for the purpose of inspecting the diversion  
22 and use of water thereon to assure compliance with this JUDGMENT  
23 AND DECREE.

24 (f) CINQUINI shall have no right to divert water  
25 from any tributary of Edgar Slough and any use not in conformity  
26 therewith shall not be deemed to give any prescriptive claim of  
27 right by such user other than as set forth herein.

28 2. That as to Plaintiffs PARROTT INVESTMENT COMPANY  
29 and M. & T. INCORPORATED, and Defendants J. L. SWAIM and VERA  
30 SWAIM ("SWAIM"):



1 (a) Defendants SWAIM shall henceforth divert water  
 2 from Edgar Slough, also known as Comanche Creek, only at a point  
 3 of diversion located approximately 82 feet North of the northerly  
 4 bank of said Slough located approximately on the line between  
 5 Lots 6 and 7 of Ranchos Robledos Subdivision as recorded in Book  
 6 26 of Maps, at Pages 28, 29 and 30, Serial No. 13187, Official  
 7 Records of Butte County, which point of diversion is also located  
 8 near the Northeast corner of Section 1, T21N, R1E, MDB&M. This  
 9 point of diversion is located in a drain which is tributary to  
 10 Edgar Slough which drain has its source in, or drains through,  
 11 the Fair Grounds located northerly therefrom. Such point of  
 12 diversion shall be utilized only at the times and to the extent  
 13 that water exists in the drain ditch arising from the drainage  
 14 area located North of said point of diversion and at the time and  
 15 to the extent water is flowing to said point of diversion in a  
 16 southerly direction. Defendants SWAIM shall not divert from said  
 17 drain ditch water which has its source in Edgar Slough and shall  
 18 not divert water at the times and to the extent that water from  
 19 Edgar Slough is flowing into said drain ditch and reaching the  
 20 said point of diversion. The diversion herein described shall be  
 21 used solely for irrigation purposes on the place of use compris-  
 22 ing 5.20 acres as described below. Such diversion shall be for  
 23 only as long as defendants SWAIM personally retain ownership in  
 24 the aforesaid 5.20 acres. Any right to such diversion shall  
 25 terminate when said ownership of Defendants SWAIM terminates.  
 26 Said 5.20 acres is described as follows:

27 Lots Nos. 1, 2, 3, 4, 5, 6, 7 and 8 of Ranchos  
 28 Robledos Subdivision recorded in Map Book 26  
 29 at Pages 28, 29 and 30, Serial No. 13187,  
 30 Official Records of Butte County, California,  
 and being portions of Section 36, T22N, R1E,  
 Section 31, T22N, R2E, Section 1, T21N, R1E,  
 and Section 6, T21N, R2E, MDB&M.



(b) Defendants SWAIM shall henceforth cease utilizing and shall abandon and claim no further right to divert water from the point of diversion from Edgar Slough located on the northerly bank of Edgar Slough in Lot 2 of the aforementioned Ranchos Robledos Subdivision and any other point except as set forth in Paragraph (a) above.

(c) Plaintiffs PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED, or each of them, shall make no attempt to challenge or interfere, either physically or legally, with the diversion of Defendants SWAIM described in Paragraph (a) above, and Defendants SWAIM shall have no right to divert any water from Edgar Slough, or to divert water from any tributary thereto except as described in Paragraph (a) above.

3. That as to Plaintiffs PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED, and Defendant JAMES ESTES ("ESTES"):

(a) Defendant ESTES is the successor in interest to Harold D. Estes, identified as a party to that certain decree made and entered in the Superior Court of Butte County on November 6, 1942, in the matter of the determination of the rights of the various claimants to the waters of that portion of Butte Creek and its tributaries situated above the Western Dam near Nelson, in Butte County, California, being action number 18917, in said Court, which decree determined Harold D. Estes to be entitled to divert from Edgar Slough an amount of 1.33 cubic feet per second of water for use on 66.2 acres of land situated in Butte County and described in general as follows:

13.4 acres in Lot 10 of McIntosh Tract.  
 10.0 acres in Lot 13 of McIntosh Tract.  
 14.0 acres in Lot 14 of McIntosh Tract.  
 10.2 acres in Lot 15 of McIntosh Tract.  
 8.3 acres in Lot 16 of McIntosh Tract.  
 6.6 acres in Lot 19 of McIntosh Tract.  
3.2 acres in Lot 12 of McIntosh Tract.





1 66.2 acres TOTAL

2 (ALL in NE 1/4 of Section 2, T21N, R1E, MDB&M.)

3 The right of Harold D. Estes is subject to the priority and  
4 limitations more particularly described in the said decree.

5 (b) Except for the foregoing rights to divert  
6 water from Edgar Slough, Defendant ESTES has no other right to  
7 so divert water from either the surface or the underflow of  
8 Edgar Slough, and he shall make no such claim.

9 (c) The present use by Defendant ESTES of a  
10 groundwater well located approximately 40 feet South of the  
11 southerly bank of Edgar Slough in Stanley Park at a point within  
12 the NE 1/4 of Section 2, T21N, R1E, MDB&M, such groundwater well  
13 having a depth at present of approximately 267 feet with a  
14 12 inch casing perforated with six (6) holes per foot from a  
15 depth of approximately 35 feet to 106 feet, is not dependent  
16 upon the underflow of Edgar Slough and does not result in a  
17 diversion of such underflow, as to which underflow Defendant  
18 ESTES shall claim no right of use except as provided under  
19 Paragraph (a) above.

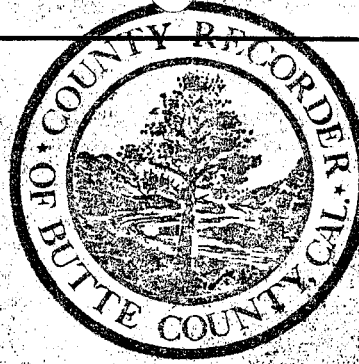
20 (d) Plaintiffs PARROTT INVESTMENT COMPANY and  
21 M. & T. INCORPORATED, or either of them, shall make no attempt  
22 either physically or by legal process to interfere with the  
23 diversion of Defendant ESTES described in Paragraph (a) above,  
24 and they, or either of them, shall make no attempt to interfere  
25 with the diversion of Defendant ESTES from the groundwater well  
26 described in Paragraph (c) above, unless and until it should  
27 appear, as to such groundwater well, that the flow in Edgar  
28 Slough, or the underflow thereof, which would otherwise reach  
29 the lands of Plaintiffs PARROTT INVESTMENT COMPANY and M. & T.  
30 INCORPORATED, is diminished as a result of such diversion, and



1 then only to the extent of such diminution.

2 4. That Defendants GEORGE PAVCIK, HELEN PIERCE and  
3 WILBER S. GANOW have no right, title or interest in and to any  
4 of the surface water or underflow of Edgar Slough as described  
5 in the Complaint filed herein.

6 5. Plaintiffs PARROTT INVESTMENT COMPANY and M. & T.  
7 INCORPORATED and each of them have equal and correlative rights  
8 to the use of waters flowing in Edgar Slough as established and  
9 described in that certain judgment and decree dated November 6,  
10 1942 made and entered in the Superior Court of the State of  
11 California, in and for the County of Butte in action number  
12 18917 entitled, "In the Matter of the Determination of the Rights  
13 of the Various Claimants to the Waters of that Portion of Butte  
14 Creek and its Tributaries Situate Above the Western Dam Near  
15 Nelson, in Butte County, California", and in the supplementary  
16 decree in the same matter dated December 16, 1946. Plaintiff  
17 PARROTT INVESTMENT COMPANY is also the holder of Licenses 2615,  
18 2616 and 9268 issued by the State Water Resources Control Board  
19 to divert water from Butte Creek into Edgar Slough and to redirect  
20 such water for the use of said Plaintiff on the properties owned  
21 by said Plaintiff situated at the westerly end of Edgar Slough.  
22 Plaintiff M. & T. INCORPORATED is the holder of Licenses 2614,  
23 2617 and 9267 issued by the State Water Resources Control Board  
24 to divert water from Butte Creek into Edgar Slough and to redirect  
25 such water from Edgar Slough for use on the lands of said Plain-  
26 tiff adjacent to and in the vicinity of Edgar Slough. In addition  
27 to the adjudicated rights and licenses above referred to, Plain-  
28 tiffs PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED have  
29 made certain other applications for diversions from Butte Creek,  
30 as set forth in the records of the State Water Resources Control



1 Board. Except for nominal amounts of surface water inflow during  
 2 the rainy season, all water in Edgar Slough originates in Butte  
 3 Creek. Such water is diverted from Butte Creek into Edgar Slough  
 4 by Plaintiffs PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED  
 5 and also by Dayton Mutual Water Company for the use of Plaintiffs  
 6 PARROTT INVESTMENT COMPANY and M. & T. INCORPORATED, and Dayton  
 7 Mutual Water Company for irrigation purposes in accordance with  
 8 their respective rights. Water is rediverted from Edgar Slough  
 9 for use on the properties of Plaintiffs PARROTT INVESTMENT COMPANY  
 10 and M. & T. INCORPORATED and upon properties served by Dayton  
 11 Mutual Water Company. Plaintiffs PARROTT INVESTMENT COMPANY and  
 12 M. & T. INCORPORATED, and each of them, do now and have at all  
 13 times mentioned in the Complaint herein made beneficial use of  
 14 such water for irrigation and stock water and have perfected their  
 15 rights to the waters diverted from Butte Creek into Edgar Slough  
 16 and have diligently and promptly filed all necessary and requested  
 17 reports regarding such use of water with the State Water Resources  
 18 Control Board and its predecessors.

19 6. Except as above set forth, Plaintiffs PARROTT  
 20 INVESTMENT COMPANY and M. & T. INCORPORATED have the right to the  
 21 use of the full and entire flow of Edgar Slough and the underflow  
 22 thereof, as against any claim on the part of the Defendants above  
 23 named or their successors, undiminished by the uses of the Defen-  
 24 dants above named or their successors, except in accordance with  
 25 this JUDGMENT AND DECREE.

26 7. This JUDGMENT AND DECREE shall be deemed binding and  
 27 accrue to the benefit of the interests of the parties hereto as  
 28 follows:

29 (a) Plaintiffs PARROTT INVESTMENT COMPANY and M. & T.  
 30 INCORPORATED and their successors and assigns to the ownership of



1 and the right to the use of the water flow in Edgar Slough and  
2 the underflow thereof as described herein;

3 (b) Defendant CINQUINI as Executor of the ESTATE  
4 OF LUIGI CINQUINI and the successors and assigns to the ownership  
5 of the land described in Exhibit A and the pumping facility now  
6 located thereon;

7 (c) Defendants SWAIM only so long as they personally  
8 retain ownership to that certain 5.20 acres of real property de-  
9 scribed herein as Paragraph 2(a);

10 (d) Defendant ESTES and the successors and assigns  
11 to the ownership of that certain 66.2 acres described in Para-  
12 graph 3(a) and that certain groundwater well now located thereon  
13 and described herein at Paragraph 3(c); and

14 (e) Defendants GEORGE PAVCIK, HELEN PIERCE, WILBER  
15 S. GANOW and their successors and assigns.

16 Dated: Oct 4, 1973.

17  
18 LUCIAN B. VANDEGRIFT  
19 JUDGE OF THE SUPERIOR COURT

20 THE FOREGOING INSTRUMENT IS A CORRECT COPY OF  
21 THE ORIGINAL ON FILE AND OF RECORD IN THIS OFFICE.

22 ATTEST: Oct 9 1973  
23 CLARK A. NELSON  
24 COUNTY CLERK AND CLERK OF THE SUPERIOR  
25 COURT IN AND FOR THE COUNTY OF BUTTE,  
26 STATE OF CALIFORNIA.

27 [Signature] DEPUTY



## EXHIBIT A

All that real property situate in the County of Butte, State of California, described as follows:

Being a tract of land consisting of 50 acres, more or less, situate in Section 3, T21N, R1E, bounded as follows:

Beginning at a point in the center of Edgar Slough from which an oak tree five feet in diameter bears S. 29-3/4° W., 4.72 chains distant; thence N. 18° 04' E., 41.09 chains; thence S. 83° 06' W., 1.51 chains; thence N. 50° 15' W., 1.29 chains; thence S. 57° 40' W., 2.70 chains; thence S. 1° 20' W., 1.89 chains; thence S. 67° 40' W., 3.24 chains; thence S. 11° 20' W. 2.12 chains; thence S. 34° 53' W., 3.70 chains; thence S. 83° 20' W., 3.41 chains; thence S. 53° W., 0.90 chains to a stake from which an oak tree 2 1/2 feet in diameter bears S. 44° W., 5.74 chains distant; thence S. 18° 04' W. 28.30 chains to a stake from which an oak tree 4 feet in diameter bears N. 13° 40' E. 2.13 chains; thence N. 78° 55' E. 3.60 chains; thence S. 67° 15' E. 7.62 chains to point of beginning and containing 37 acres, more or less; and also the fractional part of the Farwell Rancho situate near the Eastern line of Section 4, T21N, R1E, commencing in the center of Little Chico Creek at the Northwest corner of land owned by Manuel Silva; thence S. 17° 50' West (Var. 17° E.) 50/100 chains to a redwood post from which an oak tree 20 inches in diameter bears S. 44° 40' W. 5.77 chains distant; thence on same course at 27.15 chains to a stake near Edgar Slough and at 27.60 chains center of said Slough; thence S. 75° 15' W. 5.40 chains to Southwest corner of tract; thence N. 17° 50' E. 50/100 chains to a post from which a double oak 13 inches in diameter bears North 64° 30' E. 13 1/2 links distant; thence by same course at 29.50 chains to a post and at 30 chains center of Little Chico Creek; thence up center of said creek S. 84° 15' East 4.67 chains to the place of beginning, containing 13 acres, more or less.

RECORDED AS A MEMO, Legality of writing, being or printing identical with original in this document when recorded.



DOWNNEY, BRAND,  
SEYMOUR & ROHWER  
SACRAMENTO, CALIF.

DATE OCT 04 1990

This is to certify that if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Recorder's Office.

Gandace J. Grubbs

Butte County Clerk-Recorder

By *[Signature]*

Deputy

BOOK 1867

PAGE 9